



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/813,247	3/7/97	AIDA, Mitsuhiro	M

MITSUHIRO AIDA
3-8-25 SAIKUJO
NARA CITY
NARA 630 8453
JAPAN

LM41/0909

AIR MAIL

EXAMINER	
Bourque	
ART UNIT	PAPER NUMBER
2776	26

DATE MAILED:

09/09/99

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

1. ☒ The communication filed 9/28/1997 and 3/18/1998 is informal/non-responsive for the reason(s) checked below and should be corrected. APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER OR UNTIL THE EXPIRATION OF THE PERIOD FOR RESPONSE SET IN THE LAST OFFICE ACTION (WHICHEVER IS LONGER) WITHIN WHICH TO CORRECT THE INFORMALITY.
- a. ☒ The amendment to claim(s) 28-35, filed 3/18/1998, fails to comply with the provisions of 37 C.F.R. 1.121 and is accordingly held to be non-responsive. A supplemental paper correcting the informal portions and complying with the rule is required. See attached.
- b. ☐ The paper is unsigned. A duplicate paper or ratification, properly signed, is required.
- c. ☐ The paper is signed by _____, who is not of record. A ratification or a new power of attorney with a ratification, or a duplicate paper signed by a person of record, is required.
- d. ☐ The communication is presented on paper which will not provide a permanent copy. A permanent copy, or a request that a permanent copy be made by the Office at applicant's expense, is required, see M.P.E.P. 714.07.
- e. ☐ Other
2. ☐ In accordance with applicant's request, THE PERIOD FOR RESPONSE FROM THE OFFICE ACTION DATED _____ IS EXTENDED TO RUN _____ MONTH(S).
No further extension will be granted unless approved by the Commissioner. 37 C.F.R. 1.136 (b)
3. ☐ Receipt is acknowledged of papers submitted under 35 U.S.C. 119 which papers have been made of record in the file.
4. ☐ Other

STEPHEN S. HONG
PRIMARY EXAMINER

Art Unit: 2776

1. The replies filed on 9/28/1997 and 3/18/1998 are not fully responsive to the prior Office action and were not entered because of the following omission(s) or matter(s):

a. The amendment filed 9/28/1997 attempts to amend the specification to indicate that the instant application (which is a file-wrapper continuation (FWC) of 08/330,573 filed 10/28/1994), is a continuation-in-part of 08/618,197 filed 3/19/1996. However, the instant application is accorded the effective filing date of 10/28/1994 due to its status as FWC of 08/330,573. Statute 35 U.S.C. 120 allows for continuing applications to receive the benefit of the filing date of **earlier** filed applications, not later. See MPEP 201.08.

b. The amendment filed 9/28/1997 attempts to amend the claims, but the numbering of the claims in the amendment is incorrect and the Examiner cannot determine what Applicant is intending by the amendment. Claims 28-35 are the only claims currently pending in the case. Claim 28 is the only independent claim currently pending in the case. However, in the (non-entered) amendment, Applicant attempts to add claims 60-62, which are dependent on claims 44, 49 and 57. See 37 CFR 1.121(a).

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

3. Any inquiry concerning this or earlier communications from the examiner should be directed to Rob Bourque whose telephone number is (703) 308-4998. The examiner can normally be reached on Monday - Friday from 8:30 AM - 5:00 PM.

Art Unit: 2776

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Mike Razavi can be reached on (703) 305-4713.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, DC 20231

or faxed to: (703) 308-9051, (for formal communications intended for entry)

or: (703) 305-9724 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to the sixth floor receptionist at Two Crystal Park, 2121 Crystal Drive, Arlington VA.

Your cooperation in this matter will assist in the timely processing of the submission and is appreciated by the Office.

Rob Bourque
Art Unit 2776
September 7, 1999



**STEPHEN S. HONG
PRIMARY EXAMINER**